

## **REMARKS**

Claims 1, 3-24, and 26-47 were pending and presented for examination and in this application. In an Office Action dated April 10, 2007, claims 1, 3-24, and 26-47 were rejected. Applicant thanks Examiner for examination of the claims pending in this application and addresses Examiner's comments below.

Applicant is amending claims 1, 14, 17-18, 24, 37-38, 40-41, and 47, and adding claims 48-49 in this Amendment and Response. These changes are believed not to introduce new matter, and their entry is respectfully requested.

In view of the Amendments herein and the Remarks that follow, Applicant respectfully requests that Examiner reconsider all outstanding rejections and withdraw them.

## **Examiner Interview**

On May 16, 2007, a telephone interview with Examiner took place. Applicant's representative explained the operation of the claimed invention and discussed the 35 USC 101 and 103 rejections. Applicant's representative and Examiner agreed on claim amendments that would likely overcome the 101 rejection. No specific agreement was reached regarding the 103 rejection.

## **Response to Rejections Under 35 USC § 101**

In the 6<sup>th</sup> paragraph of the Office Action, Examiner has rejected claims 1, 24, and 47 under 35 USC § 101 as being directed to non-statutory subject matter for allegedly not producing a useful, concrete, or tangible result. Applicant has amended claims 1, 24, and 47 to include "storing the replicated portion on a storage medium," thus producing a useful, concrete, and tangible result.

In the 6<sup>th</sup> paragraph of the Office Action, Examiner has additionally rejected claim 24 for reciting a medium capable of transmitting or carrying instructions. Applicant has amended claim 24 to recite “A computer readable storage medium containing program code ...” thus limiting the medium to a tangible storage medium.

As mentioned above, Examiner agreed in the interview that these amendments would likely overcome the rejections. Applicant respectfully requests that Examiner reconsider the rejections, and withdraw them.

**Response to Rejection Under 35 USC 103 in view of Vleet and Kiessig**

In the 7th paragraph of the Office Action, Examiner rejects claims 1, 3-10, 15-24, 26-33, and 38-47 under 35 USC § 103(a) as allegedly being obvious over Vleet et al. (U.S. Publication No. 2005/0033803) in view of Kiessig et al. (U.S. Publication No. 2004/0133544, hereinafter “Kiessig”). This rejection is respectfully traversed.

As amended, claim 1 recites a method comprising the following:

providing a data store of stored events, wherein the events comprise data describing user interactions with articles, wherein **the articles are associated with a plurality of different applications**;  
providing an index of the stored events, wherein the index is a part of the data store;  
identifying a desired portion of the data store for replication, the desired portion including a portion of the index;  
replicating the desired portion of the data store; and  
storing the replicated portion on a storage medium.  
(emphasis added)

As can be seen, the claim recites providing a data store of stored events and an index of the stored events. Events comprise data describing user interactions with articles. The articles are associated with a plurality of different applications. For example, one event in a

data store may describe a user sending an e-mail using an e-mail application, while another event in the same data store may describe a user saving a spreadsheet document using a spreadsheet application. A desired portion of the data store is identified for replication, and this portion is replicated and stored. Claims 24 and 47, as amended, contain language similar to claim 1 and all arguments presented below regarding claim 1 equally apply to claims 24 and 47.

Vleet discloses a system for storing event data reflective of events that occur during browsing sessions of web site users. However, all of the articles associated with events disclosed in Vleet are related to the single web browser application. Accordingly, Vleet does not disclose “providing a data store of stored events, wherein the events comprise data describing user interactions with articles, wherein **the articles are associated with a plurality of different applications.**”

The events described in Vleet do not comprise articles associated with a plurality of different applications. Paragraph [0042] states that the “event history server 32 captures data descriptive of browsing events...” Paragraph [0026] mentions articles related to a web browser application such as a URL accessed by the user, a webpage, and a web search URL. The close relation of the articles to web browsing in a web browser application suggests that they are not associated with a plurality of different applications. Although Vleet does mention various “web applications 38” (for example in [0024], [0028], and FIG. 1), these applications are only querying the event database to retrieve previously stored event data. The events themselves all relate to the web browsing of a user in a web browser application and do not comprise user interactions with articles associated with a plurality of applications.

Kiessig discloses an electronic file management system including a file management database and other databases. However, none of the databases disclosed in Kiessig contains a data store of events and an index of the stored events, where events comprise user interactions with articles. As a result, Kiessig does not disclose storage of events with articles associated with a plurality of applications.

Based on the above remarks, Applicant respectfully submits that for at least these reasons claims 1, 24, and 47 are patentably distinguishable over the cited reference. Therefore, Applicant respectfully requests that Examiner reconsider the rejection and withdraw it. As to dependent claims, because claims 3-10 and 15-23 are dependent on claim 1 and claims 26-33 and 38-46 are dependent on claim 24, all arguments advanced above with respect to claims 1 and 24 are hereby incorporated so as to apply to these dependent claims. Applicant disagrees with the Examiner's contention that the dependent claims are obvious over Vleet and Kiessig, but asserts that they are patentable for at least the same reasons as the independent claims 1 and 24.

**Response to Rejection Under 35 USC 103(a) in view of Vleet, Kiessig, and Ryan**

In the 9th paragraph of the Office Action, Examiner rejects claims 11-14 and 34-37 under 35 USC § 103(a) as allegedly being obvious over Vleet in view of Kiessig and Ryan et al. (U.S. Patent No. 6,421,675, hereinafter "Ryan"). This rejection is respectfully traversed.

Since claims 11-14 are dependent on claim 1 and claims 34-37 are dependent on claim 24, all arguments advanced above with respect to claims 1 and 24 are hereby incorporated so as to apply to these dependent claims. Applicant disagrees with the Examiner's contention that the dependent claims are obvious over Vleet in view of Kiessig and Ryan, but asserts that they are patentable for at least the same reasons as the independent

claims 1 and 24. Ryan does not remedy the deficiencies of Vleet and Kiessig with respect to these arguments. Ryan describes a method of updating an internet search engine to prioritize results of a keyword search based on previous selections of results by users. This reference is not concerned with the storage or indexing of events, where an event comprises user interactions with articles.

Based on the above remarks, Applicant respectfully submits that for at least these reasons claims 1-14 and 34-37 are patentably distinguishable over the cited references. Therefore, Applicant respectfully requests that Examiner reconsider the rejection and withdraw it.

Applicant has significantly revised the elements recited by claims 14 and 37 and added new claims 48 and 49. Applicant asserts that these claims are supported by the specification and are not anticipated or obvious in view of Vleet, Kiessig, and Ryan.

### **Conclusion**

On the basis of the above remarks, consideration of this application and the early allowance of all claims herein are requested.

Should the Examiner wish to discuss the above remarks, or if the Examiner believes that for any reason direct contact with the Applicants' representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,  
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